

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 2, 4-20, and 30-33 are pending in this application. Claims 30 and 31 are independent. The remaining claims depend, directly or indirectly, from claims 30 and 31. Independent claims 34 and 35 have been newly added by this reply. Support for these claims may be found, for example, on pages 2 and 3 of the specification. No new matter has been added by way of these amendments.

**Rejections under 35 U.S.C. § 102**

Claims 2, 4-10, 12, 14-18, and 30-33 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,178,242 ("Tsuria"). This rejection is respectfully traversed.

The claimed invention relates to recording digital information using encryption. Specifically, the claimed invention discloses encryption of transmitted digital information by a recording encryption key. The encrypted, transmitted digital information is stored on a recording support medium by a recording means. Further, once the digital information is encrypted using the recording encryption key, the recording encryption key is also encrypted using a recording transport key. Thus, the claimed invention uses two levels of encryption (as recited by independent claims 30 and 31) to ensure that no way exists for hackers to work around the encrypted recording encryption key by getting the control words from some other source, such as the Internet, and using the digital information, because the digital information is encrypted using a separate key (see, *e.g.*, page 2 lines 30-32 and page 3 lines 1-5). Further, the encrypted recording encryption key is stored on the recording support medium with the encrypted digital information. The recording transport key is stored on a portable security module associated with the recording means.

In contrast to the present invention, Tsuria relates to a system for producing an output scrambled digital data stream from an input scrambled digital data stream. The input scrambled digital data stream includes a plurality of control messages (ECMs), where each ECM includes

coded information for generating a control word (CW) associated with the ECM and being encoded using an ECM key. Further, Tsuria discloses replacing the ECM with a transformed ECM (TECM), where the TECM includes coded information for generating the CW associated with the corresponding ECM (that was replaced by the TECM). Further, the TECM is encoded using a TECM key (see, *e.g.*, col. 3, ll. 20-30 of Tsuria).

With respect to the rejection of claims, the Examiner asserts that Tsuria discloses all the limitations of independent claims 30 and 31. Applicant respectfully disagrees with the Examiner's assertion. Specifically, Tsuria fails to disclose or suggest two distinct levels of encryption, where the digital information is encrypted using a key, and subsequently, the *key* used to encrypt the digital information is also encrypted using a separate key. Rather, Tsuria discloses replacing digital information (*i.e.*, ECMs) with some associated transformed digital information (*i.e.*, TECM). However, Tsuria fails to disclose or suggest that the key used to encode the ECM is itself encrypted. Thus, the encoded ECMs in Tsuria are not protected as the digital information is protected in the claimed invention (*i.e.*, by encrypting the key used to encrypt the digital information with a separate key).

In view of the above, it is clear that Tsuria does not disclose each and every limitation of independent claims 30 and 31. Therefore, independent claims 30 and 31 are patentable over Tsuria. Further, dependent claims 2, 4-10, 12, 14-18, and 32-33 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 11, 13, 19, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of European Patent No. 714,204 ("Park"). This rejection is respectfully traversed.

Claims 11, 13, 19 and 20 are dependent, directly or indirectly, on independent claim 30. As described above, Tsuria does not disclose or suggest two levels of encryption, where the digital information is encrypted, and the key used to encrypt the digital information is also encrypted using another separate key. Thus, Tsuria does not disclose the limitations of claim 9, as asserted by the Examiner. Further, Park does not disclose or suggest that which Tsuria lacks.

Specifically, Park relates to protecting digital video systems from illegal users viewing or copying the systems. Park discloses using a descrambling method that decrypts split keystreams of data using a smart card. Specifically, Park discloses splitting scrambled data into a bitstream and a keystream, recording the scrambled data on a recording medium by encrypting the split keystream and mixing the encrypted keystream with the bitstream. However, Park fails to disclose or suggest two levels of encrypting, where the key used to encrypt digital information is also encrypted using a separate key.

In view of the above, it is clear that Tsuria and Park, whether considered separately or in combination, fail to render the claimed invention obvious. Thus, claims 11, 13, 19, and 20 are patentable over Tsuria and Park. Accordingly, withdrawal of this rejection is respectfully requested.

#### **New Claims**

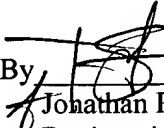
Independent claims 34 and 35 have been newly added by this reply. Independent claim 34 recites a system for recording transmitted digital data, where the system includes a recording support medium used to store the encrypted transmitted data, and a portable security module used to store either the encryption key used to encrypt the digital data or the transport key used to encrypt the encryption key. Independent claim 35 recites a recording support medium configured to store the encrypted transmitted digital data and the encrypted recording encryption key that is used to encrypt the digital data. Support for these claims may be found, for example, on page 5, lines 3-11 of the specification. No new matter is added by way of these new claims. Accordingly, newly added claims 34 and 35 are patentable for at least the same reasons as claims 30 and 31. Favorable consideration of these newly added claims is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/023001; CPT98005).

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Respectfully submitted,

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